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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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December 21, 2011

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Administrator Jackson:

The Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy is conducting oversight of proposed Environmental Protection Agency (EPA) actions in West-Central Florida. It has come to the Subcommittee's attention that EPA plans to conduct an aerial environmental assessment of phosphate mining sites in West-Central, Florida. Intra-agency communications from EPA refer to this assessment as the "Florida Phosphate Mine Surveys."<sup>1</sup> According to a draft April 2011 EPA Region IV Fact Sheet, "the scope of the survey will involve flying over a 2150 square-mile area, including portions of Hillsborough, Polk, Manatee, Hardee, Sarasota, and DeSoto counties."<sup>2</sup> The draft Fact Sheet also indicates that the survey was to take place between June 6, 2011, and September 30, 2011.<sup>3</sup> While it appears this particular survey has yet to occur, it is unclear whether it is still being considered.

Members of the Florida Congressional Delegation have previously expressed concern about EPA conducting these aerial surveys.<sup>4</sup> Such surveys have the potential to negatively impact real-estate values, tourism and the phosphate industry.<sup>5</sup> The phosphate industry creates millions of jobs and plays a vital role in the West-Central Florida economy.<sup>6</sup> During this difficult financial period, it is important that EPA strike an appropriate balance between fulfilling its mission and considering the economic impact of its policies. EPA's potential aerial surveys are likely to impact Florida's economic recovery. Further, the uncertainty surrounding this

<sup>1</sup> Email from John Cardarelli to Brad Jackson, "Draft Operations Plan for Florida Phosphate Mine Surveys," Mar. 11, 2011.

<sup>2</sup> U.S. Environmental Protection Agency, Region 4, Atlanta, Georgia; "EPA Announces Start of Environmental Assessments West-Central Florida," Apr. 2011.

<sup>3</sup> *Id.*

<sup>4</sup> Florida Congressional Delegation letter to EPA Administrator Lisa Jackson, Feb. 16, 2011.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*



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particular survey raises issues of great public importance. As a result, I request the following documents for the period December 1, 2010, to the present:

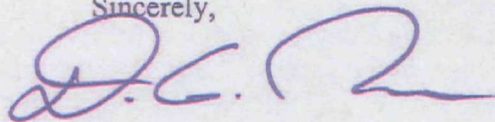
- 1) All documents and communications referring or relating to aerial environmental assessment(s) of phosphate mining sites in West-Central Florida. These communications should include, but are not limited to, emails, inter-agency or intra-agency memorandums, and correspondence.
- 2) Additionally, I submitted a Freedom of Information Act request to EPA on September 27, 2011, regarding an aerial survey EPA conducted near Lakeland, Florida, in January 2011.<sup>7</sup> EPA responded on November 21, 2011,<sup>8</sup> but withheld 180 pages of "various electronic mails for the time period (12/2010-09/2011)...."<sup>9</sup> The Subcommittee is also requesting production of these documents.

I request that you provide the requested documents no later than 5:00 p.m. on January 5, 2012. When producing documents to the Committee, please deliver production sets to the Majority Staff in room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy is part of the Committee on Oversight and Government Reform. The Oversight and Government Reform Committee is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to this request.

If you have additional question about this inquiry, please contact Henry Kerner or Kristin Nelson of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Dennis A. Ross  
Chairman  
Subcommittee on Federal Workforce,  
U.S. Postal Service and Labor Policy

cc: The Honorable Stephen Lynch, Ranking Minority Member

<sup>7</sup> Congressman Dennis A. Ross letter to EPA National Freedom of Information Officer, Sept. 27, 2011.

<sup>8</sup> Assistant Regional Administrator Edward H. Chu letter to Congressman Dennis A. Ross, Nov. 21, 2011.

<sup>9</sup> See Freedom of Information Act Request Index of Withheld Records [4-FOI-00795-11](#).